

PL ANNING BOARD MINUTES

December 13, 2006

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

John Tucker Frank Holbrook, Town Solicitor

Jan Eckhart, Secretary

Richard Adams

David Lawrence

Colleen Aull

Audrey Rearick

The meeting was called to order at 6:30 pm.

Minutes

The minutes of the November 8, 2006 regular meeting and the special meetings of November 21 and November 29, 2006 were reviewed.

Motion by Ms. Rearick seconded by Mr. Tucker to approve the minutes as presented. Vote: 7-0-0

1. Public Hearing - Harkins Development Company (Wicks Land Company), Proposed minor subdivision and road creation, Island Drive, Plat 117, Lot 833, Preliminary Plan.

Mr. Weber, Mr. Adams, and Mr. Lawrence recused themselves from

the discussion.

The Vice Chairman, Mr. Tucker, presided.

Mr. Tucker stated that the Board was in receipt of a letter from the applicant's attorney, Mr. Rousseau, requesting the withdrawal of the application without prejudice.

Motion by Ms. Rearick, seconded by Ms. Aull, to approve the request for withdrawal of the application without prejudice. Vote: 4-0-0

Old Business

2. Public Hearing (continued) - George P. Lewis, Proposed 5-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Preliminary Plan

Attorney Brian Bardorf, representing the applicant, stated that the plans must be revised to address the concerns of the Fire Department for the turn-around at the end of Bailey Ave. Language for the proposed easement to be granted to the Town for drainage along Bailey Ave. must be prepared. A continuance to the January meeting would be in order.

Mr. Bardorf stated that he is in receipt of a letter to the Board from Peter Gallipeau regarding requested amendments to his Saltwood Farm subdivision approval in relation to some components of the Lewis plan. Regarding water for fire protection, there is a possibility that a line could be brought from the water line located at the rear of Dr. Lewis' house to Bailey Ave. for the purpose of installing another hydrant, which would address one of Mr. Gallipeau's concerns.

There was discussion of the Fire Chief's concerns with the

accessibility of the private hydrant on the Lewis property, as well as the desire to have the full turn-around installed at the end of Bailey Ave.

Mr. Weber recommended that Dr. Lewis and Mr. Gallipeau try to come to agreement on the components of the plan which have the possibility to address concerns of both property owners.

Mr. Adams addressed the memo of the Town Planner dated December 7, 2006, regarding the need for RIDEM approvals due to the presence of wetlands on the property, as well as the apparent need for a special use permit to allow for the proposed development within the Watershed Protection District.

Mr. Bardorf indicated that he would request that the Board make such approvals conditions of the subdivision plan approval.

Motion by Mr. Tucker, seconded by Mr. Adams, to continue this matter to the January 10, 2007 regular Planning Board meeting. Vote: 7-0-0.

3. Peter Gallipeau, Saltwood Farm Subdivision, Request for review of the conditions of approval of the Saltwood Farm Subdivision. Bailey Ave./Sachuest Drive - Plat 126, Lot 4.

Mr. Gallipeau stated that he would like to discuss further with Dr. Lewis the opportunities for cooperation. A continuance of his requests regarding the Saltwood Farm subdivision to the January meeting would be appropriate.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue this matter to the January 10, 2007 regular Planning Board meeting. Vote: 7-0-0.

4. Paradise Realty LLC, Proposed 2-lot Subdivision, Paradise Ave. and Bailey Ave. Plat 120, Lot 77, Request for combined preliminary & final approval

Matthew Viana, PE, of Northeast Engineers and Consultants, represented the applicant.

There was discussion of the subcommittee site visit.

Mr. Wolanski referenced comments contained in his memo of December 6, 2006. According to the DPW Director, the road drainage improvements previously discussed in relation to this property have been completed. The Board may wish to apply other items as conditions of approval.

Motion by Mr. Tucker, seconded by Ms. Rearick, to grant conditional preliminary approval of the subdivision, subject to the following conditions:

1. The applicant shall enter into an agreement, subject to the approval of the Town Solicitor, requiring the restoration of the existing stone wall located at the frontage of Lot 2 at the time of construction on the lot as may be required and approved by the Town. Said agreement shall run with the land and be recorded with the approved subdivision plan.

2. Prior to final approval, the applicant shall secure the required special use permit to allow residential development in Zone 1 of the Watershed Protection District.

3. At the time of development of the new building lot, the owner is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff

and erosion control (Chapter 151). A note to this effect must be included on the final plan.

4. At the time of development of the new lot, impact fees consistent with the Town's impact fee ordinance (Chapter 150) must be paid prior to the issuance of building permits. A note to this effect must be included on the final plan.

Vote: 7-0-0

5. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for a approval for residential development within Zone 1 of the Watershed Protection District. Paradise Realty LLC, Proposed 2-lot Subdivision, Paradise Ave. and Bailey Ave. Plat 120, Lot 77

Matthew Viana, PE, of Northeast Engineers and Consultants, represented the applicant.

Mr. Wolanski referenced his December 6, 2006 memo to the Board which includes recommended conditions, if the Board were to provide a positive recommendation.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to issue a positive recommendation to the Zoning Board of Review on the proposal, subject to the following conditions:

1. The applicant should be required to connect to the public sewer.
2. At the time of development of the new building lot, the builder would be required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site

runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.

3. The use of lawn chemicals and other chemicals with the potential to adversely impact ground and surface water quality should be limited.

Vote: 7-0-0

6. Newport Residential Corp., Proposed 2-lot subdivision, Tuckerman Ave., Plat 116, Lot 128, Request for Preliminary Plan review.

Attorney David Martland represented the applicant.

Mr. Weber referenced the site visit that was conducted by the Planning Board subcommittee. He stated that there would be no new development resulting from the plan. The demolition of the central portion of the existing structure which straddles the proposed property line must be accomplished prior to the recording of the plan, or a bond must be posted to secure the cost of the demolition.

Mr. Martland stated that his client is agreeable to a condition to require demolition prior to recording.

There was discussion of the zoning relief needed to allow for the subdivision.

Motion by Ms. Rearick, seconded by Ms. Aull, to grant conditional preliminary approval to the plan, subject to the following conditions:

1. Prior to final approval the applicant must seek and be granted any necessary zoning relief by the Zoning Board of Review to allow for the creation of the proposed lots.

2. Prior to recording the approved final plan, the portion of the

existing structure which currently straddles the proposed property line must be removed consistent with the depiction on the approved subdivision plan, and subject any necessary permits.

Vote: 7-0-0.

7. Consideration of proposed Zoning Ordinance amendment to allow temporary stockpiling of materials and equipment for municipal construction projects in all zoning districts.

Mr. Weber noted that the new Town Solicitor, Mr. Holbrook, has request an opportunity to review the draft.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue discussion of the matter to the January 10, 2007 Planning Board meeting. Vote: 7-0-0.

8. Discussion of the Aquidneck Island Planning Commission West Side Master Plan implementation.

Mr. Weber stated that the Town Council had voted to endorse the West Side Master Plan. The next step is to consider the implementation of the plan through specific amendments to the Middletown Comprehensive Plan.

By consensus, the Board decided that after the holidays a subcommittee would be established to consider possible amendments.

9. Update – Preparation of draft mixed–use zoning ordinance amendment

Mr. Wolanski stated that he had hoped to have a draft of the proposed ordinance, but it was not yet available. He has attempted to contact Mr. Teitz.

Mr. Holbrook suggested that his firm would be able to assist with completing the draft ordinance if necessary.

By consensus the matter was continued to the January 10, 2007 Planning Board meeting.

10. Update – Atlantic Beach District Master Plan

Mr. Weber stated that the consultant, The Maguire Group, is underway with initial data collection. They will be contacting the key property owners in the district after the holidays, and will schedule public meetings thereafter.

11. Additional Old Business –

Mr. Wolanski stated that the developer of the Tim Horton's on East Main Road had requested a change to the tree species to be installed as part of the approved landscaping plan. The revised plan was provided to the Board. The proposed change has been reviewed by the chairman of the Tree Commission, who recommended in favor of the requested change.

Motion by Mr. Adams, seconded ms. Rearick, to approve the change in tree species as presented by the developer. Vote: 7-0-0

New Business

12. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1501 of the Zoning Ordinance regarding a request for approval for multi-family residential

development – 985 East Main Road, LLC, Request to develop a 36-unit multi-family dwelling project, located at 985 East Main Rd., Plat 118, Lot 20.

Mr. Weber recused himself from the discussion. Vice-chairman Mr. Tucker presided.

Attorney Dave Martland represented the applicant.

Mr. Tucker stated that a site visit conducted by a subcommittee of the Planning Board should be scheduled.

By consensus the Board established a subcommittee and scheduled a site visit for December 20, 2006 at 10am and continued the matter to the January 10, 2007 Planning Board meeting.

13. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1601 of the Zoning Ordinance regarding a request for approval of a proposed 6,100 sq.ft. expansion to an existing shopping center – Middletown Plaza, LLC, located at 898 West Main Rd., Plat 107NW, Lot 55

Attorney Dave Martland represented the applicant.

Mr. Weber stated that a site visit conducted by a subcommittee of the Planning Board should be scheduled.

By consensus the Board established a subcommittee and scheduled a site visit for December 20, 2006 at 1pm and continued the matter to the January 10, 2007 Planning Board meeting.

Barry Sullivan, A resident of Casey Dr. and an abutter to the property, addressed the Board regarding operations at the Home Depot store. He stated that there have been deliveries to the store outside of the 7am-10pm limit imposed by the Zoning Board.

Mr. Weber advised that the Planning Board can not enforce conditions placed on the development, but that Mr. Sullivan should submit a complaint to the Zoning Officer.

Mr. Martland stated that he would relay the concern to the property owner, Mr. Bucci.

David Sietzer, of 55 Chases Lane, an abutter to the property, stated that the required shielding to be placed on the parking lot lighting in the area of his home has not been installed.

Mr. Sietzer was advised to submit a complaint to the Zoning Official.

14. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1601 of the Zoning Ordinance regarding a request for approval to construct a 15,000 sq.ft. small-scale shopping center – Reed Development Corp., located on property fronting on Aquidneck Ave., Plat 114, Lots 117, 137, 138, & 758

Mr. Lawrence recused himself from the discussion.

Attorney David Martland represented the applicant.

Mr. Weber stated that the Board should conduct a site visit.

By consensus the Board established a subcommittee and scheduled a site visit for December 21, 2006 at 10am and continued the matter to the January 10, 2007 Planning Board meeting.

.

15. Recommendation for Planning Board representative to serve on the Tree Commission.

By consensus the Board agreed to recommend that John Tucker

represent the Planning Board on the Tree Commission.

Motion by Ms. Aull, seconded by Mr. Tucker, to adjourn. Vote: 7-0-0

The meeting adjourned at 7:20pm